

Contract for work focusing on structure as a subject of a work

Abstract

The topic of this rigorous thesis is the legal regulation of a contract for work with a focus on structure as the subject of a work. Its aim is not only to provide the reader with a description of the obligation with the raising of problematic issues in practice, but also to try to answer them with the help of relatively extensive judicial decisions in cases where the explicit legislation is completely absent or unclear.

The rigorous thesis is divided into an introduction, twelve chapters and a conclusion. The individual chapters are designed to make the reader think critically about the legislation chosen by the legislator, not only from the point of view of the letter of the law, but directly in relation to specific practical examples. When reading it, the reader will get acquainted in particular with the essentials of the contract for work, the manner of performance of the work, the issue of ownership of the construction work, the client's rights from defective performance or securing the contractor's obligations. Special attention is paid to the definition of the structure as a subject of a work, additional work, fulfilment of the contractor's obligation, or conversely, its cancellation by withdrawal from the contract and the related issues of settlement of the parties. It is also pointed out to protect the rights of the client by using the so-called retainage or automatic discount on the price of the work with regard to the development in the legal evaluation of these institutes by the Supreme Court of the Czech Republic. There is also a comparison of the Czech legislation with the German legislation, an evaluation of both of these regulations and *de lege ferenda* considerations. It is the legal regulation contained in the Bürgerliches Gesetzbuch that is very inspiring for a possible approach to resolving contentious issues in the case of structure as the subject of a work, especially with regard to the issue of additional work.

This rigorous thesis should thus provide the reader with a comprehensive view of the contract for work not only according to the relevant provisions of the Civil Code, but also according to the provisions that have become a common part of contract for work in the construction industry.

Keywords: A work, Contract for work, Structure as a subject of a work